

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEAN VARGO, an adult incompetent, )  
by his parent and natural guardian, )  
PATRICIA A. VARGO, )  
Plaintiff, )

vs. )

Civil Action No. 06-1574

PLUM BOROUGH, PLUM BOROUGH )  
POLICE DEPARTMENT, ROBERT )  
PAYNE, individually and in his capacity as )  
Chief of Police, ERIC SCHLARP, )  
individually and in his capacity as a police )  
officer of Plum Borough, DARRYL D. )  
GRANATA, JR., individually and in his )  
capacity as a police officer of Plum Borough,)  
DONALD LEE TEMPLE, JR., individually )  
and in his capacity as a police officer of )  
Plum Borough, and LISA A. LINN, )  
individually and in her capacity as dispatcher) )  
for the Plum Borough Police Department )  
and for Plum Borough, )  
Defendants. )

ORDER

AND NOW, this 26th day of November, 2008, after the plaintiff, Dean Vargo, by his parent and natural guardian, Patricia A. Vargo, filed an action in the above-captioned case, and after a motion for summary judgment was submitted by defendants Plum Borough, Plum Borough Police Department and Robert Payne, and joined in by defendants Eric Schlarp, Darryl D. Granata, Jr., Donald Lee Temple, Jr. and Lisa A. Linn, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and upon consideration of

the objections filed by plaintiff, which only reiterate arguments previously raised and that were adequately addressed by the magistrate judge in the Report and Recommendation, and the response to those objections filed by plaintiff, and upon independent review of the motion and the record, and upon consideration of the magistrate judge's Report and Recommendation (Docket No. 48), which is adopted as the opinion of this Court,

IT IS ORDERED that the motion for summary judgment submitted on behalf of defendants Plum Borough, Plum Borough Police Department and Robert Payne (Docket No. 27), and joined in by defendants Eric Schlarp, Darryl D. Granata, Jr., Donald Lee Temple, Jr. and Lisa A. Linn is granted.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge